

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Wind Turbine Industries Corp.,

Plaintiff,

File No. 09-CV-00036 (MJD/SRD)

v.

Jacobs Wind Electric Company, Inc.,

Defendant,

DECLARATION OF JON ERIK KINGSTAD IN SUPPORT OF DEFENDANT,
JACOBS WIND ELECTRIC COMPANY'S MOTION FOR CLARIFICATION OR TO
EXTEND TIME

I, Jon Erik Kingstad, hereby declare as follows:

1. I am corporate counsel for Defendant and Counter-Plaintiff Jacobs Wind Electric Company, Inc. and one of the attorneys for Jacobs Wind Electric Company, Inc. in the above entitled action.

2. I make this declaration in support of a motion pursuant to Fed. R. Civ. P. 6 (b) (1) by Jacobs Wind Electric Company to clarify the Court's October 8, 2009 Order or to Extend the time for Defendant to file a Reply to Plaintiff, Wind Turbine Industries Corp. ("WTIC")'s response to the Defendant and Counter-Plaintiff's Motion for Partial Summary Judgment.

3. Under the Court's original schedule included in the Notice of Hearing of Motion on file with the Court, the Court allowed Jacobs Wind ten (10) days from the date of WTIC's

Response for Reply which was previously October 15, 2009.

4. When the Court granted WTIC's motion to extend time to file a response to October 16, 2009, the Court did not address the date when the Reply could be filed. Under Local Rule 7.1 (b)(3), the Reply Memorandum would be timely if filed by October 30, 2009, which is 14 days before the hearing on November 13, 2009.

5. Before the Court amended the date for responding to the Motion for Partial Summary Judgment, I had made arrangements to travel to Atlanta, Georgia on personal business from Thursday, October 22, 2009 until Sunday, October 25, 2009 assuming that the initial time for filing a reply (October 15, 2009) would have been passed.

6. I did not receive the complete transcript of the Deposition of Paul R. Jacobs until today. I will be unable to fully review WTIC's response without comparing it to the full transcript and will need additional time to review to prepare a Reply.

7. Attorney Scott Daniels and I have developed a close working relationship in representing the Defendant in this case and I would be unable to collaborate meaningfully with Attorney Daniels in preparing the Reply due to my absence from October 22, 2009 until October 25, 2009 if the Reply is due within ten (10) days of WTIC's Response by Monday, October 26, 2009. The Defendant will need until October 30, 2009 to file its Reply.

8. I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 20, 2009.

s/ Jon Erik Kingstad
Jon Erik Kingstad